

# THE 12<sup>TH</sup> ASSEMBLY DISTRICT REPORT



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PROUDLY REPRESENTING SAN FRANCISCO AND SAN MATEO COUNTIES

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## CELEBRATING THE 40<sup>TH</sup> ANNIVERSARY OF THE VOTING RIGHTS ACT OF 1965

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On August 6<sup>th</sup> we will celebrate the 40<sup>th</sup> anniversary of the signing of the 1965 Voting Rights Act. It was signed into law to prevent discrimination against minorities and people of color at the polls. This landmark legislation dramatically altered American life by playing a leading role in curtailing the discriminatory practices that, for years, prevented millions of Americans from exercising their right to vote solely because of their ethnicity or the color of their skin.

We must continue to promote increased participation in the electoral process, especially within historically low turnout communities such as African American, Latino and Asian American.

The Voting Rights Act authorized the United States Attorney General to send federal examiners to register black voters. They could also suspend all literacy tests in states where less than 50 percent of the voting-age population was registered or voted in the 1964 General Election.

Congress passed laws in 1957 and in 1960 that were designed to protect the rights of African-American voters. In 1964, the 24th Amendment was passed, which banned poll taxes in federal elections. Unfortunately, these earlier attempts to secure and safeguard voting rights were less than adequate.

The struggle for equal voting rights was galvanized in March, 1965, when Reverend Dr. Martin Luther King, Jr. led a protest march from Selma to Montgomery, Alabama. He was

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## U.S. SENATOR CLINTON MIRRORS FEDERAL LEGISLATION TO YEE'S AB 450 *YEE CALLS LEGISLATIVE HEARING TO BRING SUNSHINE TO VIDEO GAME INDUSTRY*

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In light of the Entertainment Software Ratings Board (ESRB) re-rating of the popular video game Grand Theft Auto: San Andreas (GTA:SA) from Mature (M) to Adults Only (AO) due to recently found scenes that include explicit material, Speaker pro Tem Yee has called a legislative hearing into the multi-billion dollar video game industry.

"Parents deserve to know how these scenes got into the game and how the ESRB allowed this game to receive only an M-rating, easily purchased by children," said Speaker pro Tem Yee. "Parents need reasonable assurance that the games their children are playing do not include harmful material. ESRB must tell us how they are going to prevent this from happening again."

In July, it was uncovered that hidden animations were included in the game that included graphic scenes of oral sex, nudity, and simulated intercourse, in addition to its already ultra-violent material. Since the game's release last year, Speaker pro Tem Yee had been calling on the ESRB to appropriately rate the game. After the latest hidden scenes were discovered, Senator Hillary Clinton (D-New York)

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fighting for African Americans to win the right to vote, a right that had been withheld from them by their fellow Americans for far too long. If any single event led to the passage of the Voting Rights Act, it was this historic march. Immediately following that event, President Lyndon B. Johnson sent Congress a voting rights bill that was quickly passed and signed into law on August 6, 1965.

The 1965 act remains one of America's most successful civil rights laws. The success of subsequent efforts to strengthen the law has played a critical role in curtailing practices that once prevented millions of Americans from casting their votes. From the beginning of democracy in ancient Greece until early in the 20th Century in America, women were not allowed to vote and Native Americans suffered the same discrimination.

However, even today there are too many Americans fighting to keep certain citizens from exercising their legal right to vote. In California, we have seen poll guards standing near voting booths trying to intimidate voters of Latino descent. In the last two presidential elections, there were credible reports that intimidation tactics were being used in Florida and Ohio to keep citizens of color from voting.

In fact, there are those who support either allowing the Voting Rights Act to expire in 2007, or allowing portions of the Act to elapse that would severely weaken the measure. For that reason, I am co-authoring Assembly Joint Resolution 19 by Assemblymember Dymally to memorialize the President and the Congress of the United States to declare their public support for reauthorizing the federal Voting Rights Act of 1965.

The new voting rights law had an immediate impact. By the end of the first year of its enactment, more than 250,000 African Americans had registered to vote; one-third by federal examiners. During the first five months of enforcement, registration of African Americans in the south increased by over 40 percent. Today, in California, new citizens from Mexico, Central America and Asia are registering in record numbers.

I hope that, in the future, the Department of Justice will pursue vigorous enforcement of the Voting Rights Act. Congress should also continue to expand and improve all laws relating to voting rights until complete equality at the polls is a reality.

Each of us has a duty to make sure that the goal of total equality at the polls is reached by this year's November 8th election. We can do so by going to our County Registrar of Voters Office to pick up registration cards and make sure that everyone we know registers and votes.

**Leland Y. Yee, Ph.D.**  
**Speaker pro Tempore**  
**California State Assembly**



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## 19<sup>TH</sup> AVENUE DOUBLE FINE ZONE BILL PASSES SENATE HURDLE

*ASSEMBLY BILL 452 WOULD IMPROVE TRAFFIC SAFETY AND  
REDUCE FATALITIES ON DANGEROUS SF ROAD*

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Assembly Bill (AB) 452 by Speaker pro Tem Yee, legislation to create a double-fine zone along 19th Avenue, overcame a significant hurdle this month by passing the State Senate Committee on Public Safety, the same committee that had stalled a nearly identical bill in 2004.

Specifically, AB 452 calls for the doubling of fines for unlawful passing and overtaking, excessive speed, reckless driving, drunken driving, and other similar serious moving violations on 19th Avenue (along Highway 1) between Junipero Serra Boulevard and Lake Street, one of San Francisco's most dangerous roads.

"Relief is finally coming for San Francisco pedestrians and bicyclists," said Speaker pro Tem Yee. "The loss of human life and suffering caused by the staggering number of accidents along 19th Avenue clearly warrants this legislation."

19th Avenue, which is a popular thoroughfare for San Mateo County residents into San Francisco, has registered 12 total deaths since 2000, including the most recent in June 2006 when a 19-year old San Mateo County driver was killed after street racing.

In San Francisco, motor vehicle crashes are the second leading cause of injury death after drug and other poisoning deaths. Pedestrians account for 49% of motor vehicle deaths in San Francisco. That statistic pales in comparison to the national figure where pedestrians account for only 12% of motor vehicle fatalities. On 19th Avenue alone there were 198 pedestrian injuries and three deaths in 2001, and 214 such injuries and two fatalities in 2002.

"The new double fine along with public awareness, new traffic signals, and other safety improvements, will significantly lower the number of injuries and fatalities along 19th Avenue," said Speaker pro Tem Yee. "It is simply unacceptable that we continue to lose innocent lives, including children, because of high speed avenues in our residential areas."

"Each year, the economic costs of salary loss and medical expenses due to vehicle crashes amounts in billions of dollars," said Speaker pro Tem Yee. "It is imperative that the entire Senate and the Governor hear our community's concerns by approving AB 452."

AB 452 will now be considered in Senate Appropriations before heading to the Senate floor.





## **SPEAKER PRO TEM YEE MEETS WITH DEPUTY SPEAKER OF THE PHILIPPINES HOUSE OF REPS.**

*PHILIPPINES CONGRESSMAN RAUL V. DEL MAR DISCUSSES  
LEGISLATION, TECHNOLOGY WITH DR. YEE*

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Speaker pro Tem Yee welcomed the Deputy Speaker of the Philippines House of Representatives, Congressman Raul V. Del Mar to the State Capitol. Deputy Speaker Del Mar and Speaker pro Tem Yee discussed a number of issues of mutual interest, including legislation, legislative process, and the use of technology in facilitating legislative business.

"As the legislator representing Daly City, San Francisco, Colma and Broadmoor – one of the largest Filipino populations in the United States – I am honored to welcome Deputy Speaker Del Mar to California," said Speaker pro Tem Yee.

In addition to his role as the Deputy Speaker of the House, Congressman Del Mar serves on several powerful committees, including Appropriations, National Defense and Security, Public Order and Safety, and Trade and Industry. Congressman Del Mar has represented the 1st District of Cebu City since 1988. For 14 years, including this present term, Congressman Del Mar etched an enviable record of 100% perfect attendance in official sessions of the House of Representatives.

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## **PENINSULA RECEIVES \$1.1 MILLION FOR HOMELAND SECURITY**

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San Francisco and San Mateo counties will receive a combined \$1,115,500 for Homeland Security through the Fiscal Year 2005 Buffer Zone Protecting Program (BZPP). The BZPP state funding is made available to protect and secure critical infrastructure and key resource sites across the state.

"These vital dollars will help protect potential terrorist targets that are deemed crucial in consequences to national-level public health and safety, governance, economic and national security and public confidence," said Speaker pro Tem Yee.

"The Peninsula has a number of important infrastructural sites, including our bridges, agricultural lands, watershed, and government buildings," said Speaker pro Tem Yee. "It is imperative that we fight for even more funds to protect our residents and our infrastructure."

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announced federal legislation similar to Speaker pro Tem Yee's Assembly Bill (AB) 450, to help keep inappropriate video games out of the hands of children.

"Rockstar, the game's developer and Take 2 Interactive, the game's publisher, received a slap on the wrist," said Speaker pro Tem Yee. "They mislead the public and the ESRB, and even after it was disclosed the game included these inappropriate scenes, they denied responsibility."

In a letter to the ESRB and the Entertainment Software Association (ESA), Speaker pro Tem Yee asked a series of probing questions about the ratings system, including: what penalties are assessed to a game publisher for failing to fully disclose a game's contents; to what extent does the ESRB review the game; at what point does a game receive an AO rating due to violent content; what steps is the ESRB taking to make sure other games do not include hidden scenes inappropriate for children.

"There are a number of questions the ESRB and video game industry needs to answer," said Speaker pro Tem Yee. "In the coming weeks, I plan to call a special hearing of a Select Committee so that the public has a clear understanding of how this industry operates and how the rating system is administered."

*more on this issue on page 5*

**[CLICK TO HEAR LELAND YEE ON AB 450](#)**

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July 12, 2005

# THE DAILY JOURNAL

## Lawmakers resolute against offshore oil drilling

By Stephen Baxter

State lawmakers signed a bipartisan resolution Monday intended to buck a federal battle brewing that could open more of California's coast to offshore oil drilling.

The resolution, introduced by Assembly Speaker Pro Tem Leland Yee, D-San Francisco, stakes the state against some lawmakers in Washington trying to tweak a congressional energy bill to include more oil exploration in Northern California and other areas. Details of the bill are being ironed this week, and President George W. Bush said he wants to see the bill cross his desk in August.



A federal moratorium on offshore oil drilling has been in place for 24 years, but a U.S. Senate version of the energy bill would include seismic surveying just outside the Monterey Bay National Marine Sanctuary, which includes San Mateo County's coast.

Environmentalists said seismic surveying detonates air underwater, and is identical to explosives. Sea life could be damaged within the sanctuary, they said, and federal rules could open the door to oil drilling.

Federal legislators are not bound by Monday's state resolution, but most state lawmakers, Gov. Arnold Schwarzenegger and California's senators are hoping Congress will heed the state's position.

Yee said the resolution "deals a setback to the efforts of the petroleum lobby" to open the coast to offshore drilling.

Congress has been responsive to similar state resolutions, said Richard Charter, a member of the Gulf of Farallones National Marine Sanctuary Advisory Council.

"We expect a knock down, drag-out fight in House deliberations," Charter said, on whether seismic survey explosions can occur near marine sanctuaries.

Controversy has surrounded whether the explosions harm fishes' hearing, and Charter said it inhibits locating prey and ultimately, the underwater ecosystem.

Oil industry leaders claim opening more coastal waters to drilling might reduce dependence on foreign oil and lower gas prices, but those savings might be a long way off. Production could not begin for at least 10 years, Charter said.



Oil firms have also said new equipment lessens the chance of spills — like the 1969 Santa Barbara spill that slicked beaches — but environmentalists are still wary.

In the Bay Area, the Monterey sanctuary stretches from Cambria to Marin, but the Sonoma coast is not permanently protected from oil exploration. To permanently protect it, U.S. Rep. Lynne Woolsey, D-Petaluma, and U.S. Sen. Barbara Boxer introduced a bill in April to expand the Farallones sanctuary boundaries to Gualala, in Mendocino County. The drilling moratorium is passed annually and many fear it might not last.

A conference committee to consider the federal energy bill is expected to assemble this week. Incentives might also be offered to states to open sensitive areas to offshore oil drilling, but it has not yet been decided.

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[\*\*CLICK TO HEAR LELAND YEE ON AJR 14\*\*](#)



## Assemblyman Yee talks Hot Coffee

California official reacts to the latest wave of debate concerning game violence--a wave he likely set in motion

In early June, mere days after the PC version of Grand Theft Auto: San Andreas hit store shelves, word surfaced of a user-designed mod that allowed players to enjoy a sexually explicit mini-game at the point of the game where the main character enters his girlfriend's house "for coffee." Dubbed "Hot Coffee," the mod caused a stir in gaming circles, but went largely unnoticed by the mainstream. Unnoticed until last week, that is, when California Assemblyman Leland Yee (D-San Francisco) cited the Hot Coffee mod as he lambasted the Entertainment Software Ratings Board (ESRB) for not giving San Andreas an AO for Adults Only rating.

The following day, the ESRB launched an investigation into whether the sexually explicit content was in the game waiting to be unlocked or added in by the mod. As the week wore on, Hot Coffee returned time and again to the headlines. The National Institute on Media and the Family made its position clear. The Australian government's Office of Film and Literature Classification started its own investigation into the mod.

Rockstar Games eventually came forward with its side of the story, balking at responsibility for the mod and calling it the work of "a determined group of hackers." And finally, Senator Hillary Clinton (D-NY) yesterday proposed legislation to fine retailers caught selling violent and sexually explicit games to minors, and called on the Federal Trade Commission to launch an investigation to determine the source of the "graphic pornographic and violent content" appearing in the game.

It appears Yee's vocal criticism of the ESRB triggered a chain reaction, taking what could have been an overlooked novelty mod of a hit PC game and making it the flashpoint of a much larger debate, with very real ramifications on a game publisher's liability for what end users do with their products, accepted practices for industry-operated ratings organizations like the ESRB and the Motion Picture Association of America, and even what constitutes free speech as protected under the First Amendment.

Now that his issue has caught fire and sparked a heated debate across continents, does Yee like where the things are headed now that Senator Clinton has entered the fray?

**"I absolutely believe that this is going in the right direction," Yee told GameSpot. "I hope there are even more investigations. The ESRB is not an appropriate forum to rate any of these games whatsoever. There's a conflict of interest. It's the fox guarding the henhouse. If you have the industry paying for the rating and your salary comes out of their money, the last thing you're going to do is try to upset them. The last thing you're going to do is limit their market share by rating a game AO."**

Although Yee was sharply critical of the ratings board in his original statement, stating "Once again, ESRB has failed our parents," he did not propose solutions that would address his concerns.

"I'm not prepared to talk about or suggest an alternative rating system yet," Yee said. "I do want to give the ESRB their day in court and before we say 'Let's wipe them out completely.' Let's see how they perform on this particular evaluation."

As far as the gaming industry's First Amendment defense

to Clinton's charges as presented by Doug Lowenstein, president of the Entertainment Software Association (ESA), Yee found that claim no more satisfactory than Grand Theft Auto and its M for Mature rating. The First Amendment needs to be carefully protected, Yee said, but there is such a thing as going too far.

**"When you're talking about training kids how to kill and how to maim and demean women, you cannot cross that line," Yee said. "For them to continually defend these actions is absolutely reprehensible and if I were part of the industry, I'd fire these spokespeople because they don't bring honor to my profession."**

Yee added that he and Clinton have learned from previous laws that sought to limit access to violent videogames and were ultimately declared unconstitutional, and that both Clinton's proposal and his own California Assembly Bill 450, a stalled piece of legislation that would levy fines on retailers who sold violent games to minors, would be considered constitutionally sound due to narrow wording.

If passed, AB 450 would fine retailers caught selling violent or sexually explicit games to minors at the rate of \$1,000 per infraction. In her speech yesterday, Clinton proposed a \$5,000 fine-imposed at the federal level. As for what punishments should be suffered by a publisher that releases a game with unsavory hidden content into the marketplace, Yee said he hadn't considered the matter as of yet.

"At the very least it warrants an AO rating," Yee said. "It warrants an apology to everyone in this world, particularly to the parents, and it warrants a very hefty fine to send a very clear message."

While the origin of the objectionable content seen in the Hot Coffee mod is still under investigation, Yee is acutely skeptical of Rockstar's insistence that the sexual content of the Hot Coffee mod originated with hackers.

"If, in fact, as Rockstar claims, these sexually explicit minigames were never in their games whatsoever, then I would assume that these hackers have violated the copyright of Rockstar games, of Grand Theft Auto, and that Rockstar should in fact take every action that they can to sue every single penny of those individuals who would violate their copyright," Yee said. "I haven't seen any of that at all, and that's why I'm suspicious of Rockstar's position of innocence."

While Yee hopes that legislative action on this matter is swift (he's looking to revive AB450 with renewed bi-partisan support once the Assembly is back in session Aug. 15), he doesn't expect these issues to be resolved overnight. In the meantime, he's advising parents that what you see on the box might not be what you get in the game.

"What I say to parents is: if I were you, I wouldn't have my kids purchasing, nor would I buy any of these M-rated games for my children," Yee said. "Right now, nobody can be assured as to what you're purchasing. Who knows what is embedded in these games? You cannot trust the rating system any more."

*By Brendan Sinclair -- GameSpot (7/15/05)*